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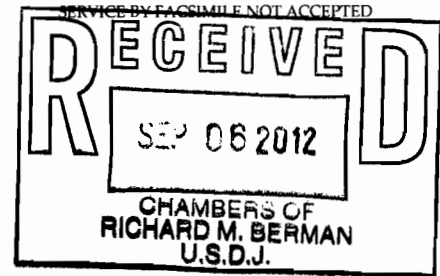
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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/6/2012



5 September 2012

Via Federal Express

Honorable Richard M. Berman
United States District Court
Southern District of New York
40 Centre Street, Courtroom 706
New York, NY 10007

MEMO ENDORSED *p2*

Re: *Archie Comic Publications, Inc. v. Kenneth Penders, II a/k/a Ken Penders*
Civil Action No. 10-cv-8858 (RMB)
Our File: 27262.1

Dear Judge Berman:

This firm represents Plaintiff Archie Comic Publications in the above referenced matter. This letter is written jointly on behalf of Plaintiff and Defendant Ken Penders.

On August 8, 2012 Your Honor referred this matter to the Southern District Alternative Dispute Resolution Program for mediation, and converted the pretrial conference to a status conference on September 10, 2012, at 10 AM. D.E. 151.

Mediation has not yet been scheduled, due to various scheduling issues and the Labor Day holiday. Counsel has a phone conference scheduled with the mediator on September 6, 2012, to discuss scheduling and procedural matters. As such, there will be little to report to the Court at the status conference presently scheduled for September 10, 2012.

Compounding matters, your undersigned counsel, Mr. Wagner, now has a scheduling conflict for September 10, 2012, and must be in Florida for another matter on that date. Additionally, counsel for Mr. Penders is scheduled for another matter, also in Florida, from September 17, 2012 until September 21, 2012.

All counsel have conferred on the present application, and have consented to this request. The parties are all available to reschedule this status conference on any day, at any time, during the week of September 24.

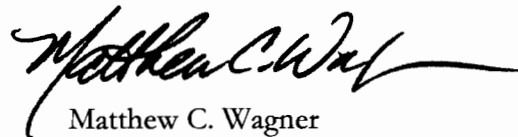
Pursuant to Your Honor's Individual Rule 1(E), the parties provide the following information:

- (1) the original date for this status conference is September 10, 2012;
- (2) this is the first request for adjournment of this conference;
- (3) not applicable; and
- (4) this request for adjournment is on consent of all parties to the action.

Accordingly, the parties hereby request that the Court adjourn the status conference presently scheduled for September 10, 2012, at 10 AM, to a new date during the week of September 24, 2012.

Thank you for your consideration.

Very truly yours,



Matthew C. Wagner

MCW/

Cc: Phil Daman, counsel for Defendant, via email

The conference scheduled for 9/10/2012
is adjourned to 10/3/2012 at 9:00 a.m.

SO ORDERED:

Date: 9/6/2012



Richard M. Berman, U.S.D.J.